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Advancement of women

Violence against women migrant workers

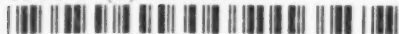
Report of the Secretary-General**

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I. Introduction

1. In its resolution 54/138 of 17 December 1999, on violence against women migrant workers, the General Assembly recalled all previous such resolutions adopted by it, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Declaration on the Elimination of Violence against Women, and reaffirmed the outcome of recent world conferences, particularly with respect to violence against women migrant workers.

2. The Assembly made a number of recommendations to Governments and Member States, in particular to countries of origin and destination, calling on them to strengthen further their national efforts to protect and promote the rights and welfare of women migrant workers, including sustained bilateral, regional, interregional and international cooperation, by developing strategies and joint action and taking into account the innovative approaches and experiences of individual Member States. It called on Governments to support and allocate appropriate resources for programmes aimed at strengthening preventive action, in particular information for relevant target groups, education and campaigns to increase public awareness of the issue at the national and grass-roots levels, in cooperation with non-governmental organizations. Governments and Member States were encouraged to adopt appropriate measures to inform women migrant workers of their rights and the benefits to which they were entitled; put in place penal and criminal sanctions to punish the perpetrators of violence against women migrant workers; and, to the extent possible, provide, and encourage non-governmental organizations to provide, victims of violence with the full range of immediate assistance and protection, such as counselling, legal and consular assistance, temporary shelter and other measures, that would allow them to be present during the judicial process, and to establish reintegration and rehabilitation schemes for women migrant workers returning to their countries of origin; support training programmes for law enforcers, prosecutors and service providers to ensure the delivery of proper and professional interventions for women migrant workers who are subjected to abuse and violence; adopt measures or strengthen existing ones to regulate the recruitment and deployment of women migrant workers, including considering the adoption of appropriate legal measures against

intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers.

3. The Assembly also called on Governments to develop appropriate national data-collection methodologies that will generate comparable data on violence against women migrant workers as bases for research and analyses on the subject and suggested that Governments avail themselves of the expertise of the United Nations, including the Statistics Division of the Secretariat and other relevant bodies, such as the International Research and Training Institute for the Advancement of Women (INSTRAW). The Assembly encouraged Member States to consider ratifying and complying with International Labour Organization conventions and to sign and ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926.

4. The Assembly requested the Secretary-General to submit to it at its fifty-sixth session a report on the problem of violence against women migrant workers and on the implementation of its resolution 54/138, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization (ILO), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), INSTRAW, the International Organization for Migration (IOM), and other relevant sources, including non-governmental organizations.

5. The present report is submitted in accordance with that request based, *inter alia*, on reports received from Member States, United Nations organizations, intergovernmental entities and non-governmental organizations.

II. Background

6. Since the adoption of General Assembly resolution 54/138, and the most recent report of the Secretary-General on the issue of violence against women migrant workers,¹ the subject of migration, and migration for work, has continued to receive attention at national, regional and international levels. Besides the Assembly,² several of the functional commissions of the Economic and Social Council, including the Commissions on the Status of Women and on Human

Rights,³ have adopted resolutions on migration and the particular vulnerabilities of women migrant workers. A number of the special procedures of the Commission on Human Rights, including the Special Rapporteur on violence against women, have devoted significant attention to migration issues, and the Special Rapporteur on the human rights of migrants, appointed by the Commission in 1999,⁴ has reported twice. The Subcommission on the Protection and Promotion of Human Rights has also designated a Special Rapporteur to report on the human rights of non-citizens,⁵ a significant number of whom are migrant workers. The situation of migrants, including women migrant workers, was also addressed during preparations for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance. For example, the Asia Pacific Seminar of Experts (5-7 September 2000, Bangkok, Thailand) was concerned with migrants and trafficking in persons, with particular reference to women and children. The seminar made various recommendations with respect to labour and migration laws, protection to migrant workers, and education, sensitization and capacity-building for educators, social workers, the judiciary and the police. The issue has also attracted the scrutiny of national and international non-governmental organizations.⁶

7. Focus on migration issues has been accompanied by increased attention to the problem of trafficking in women and children and to the interface between migration and trafficking. The report of the Special Rapporteur on violence against women to the fifty-sixth session of the Commission on Human Rights⁷ explored the interface and the vulnerabilities faced by women migrant workers and trafficked women, pointing to the fact that women who seek to migrate for work may fall victim to traffickers, both in countries of origin and of destination. The Special Rapporteur also indicated that women migrant workers are frequently concentrated in the informal sector, where they often receive low wages, work long hours and have little or no job security and limited right to social benefits. She also drew attention to the fact that women migrant workers frequently have limited access to legal remedies in cases of discrimination and exploitation and may find themselves criminalized in cases where they themselves are victims of crime.

8. The problem of trafficking in women and children, the subject of the Protocol to Prevent,

Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly on 15 November 2000,⁸ will be addressed in a report to the Assembly at its fifty-seventh session in 2002.

III. Measures taken by Member States

9. As of 20 August 2001, 15 Member States⁹ had responded to the Secretary-General's request for information on the issue of violence against women migrant workers, including information on the implementation of General Assembly resolution 54/138. Information on the activities of Member States is also contained in the report of the Secretary-General on violence against women migrant workers submitted to the Commission on Human Rights at its fifty-sixth session.¹⁰

Statistical data and information

10. Mexico provided statistical data on the numbers of women who had emigrated to the United States of America, and Peru reported that out of 754 migrant workers who were formally registered in 2001, 133 were women. Costa Rica estimated that foreign migrants amounted to 10 per cent of the country's total population, with the majority of migrant domestic workers coming from Nicaragua. Between January and May 2001, 106 women migrant workers had been registered in El Salvador, and no complaints of mistreatment were filed. The Russian Federation reported that 15,374 women had left that country for temporary work via state-controlled channels from 1995 to 2000. During that period, no reports of abuse against women migrant workers were received. Similarly, Peru indicated that there were no reports on violence against women migrant workers. However, Germany pointed to the fact that there was a lack of data on violence against women migrant workers.

Forms of violence

11. Mexico noted that women migrant workers were vulnerable to physical and/or psychological violence, racism, xenophobia and other forms of discrimination. In situations where women migrant workers were

abused within their own families, women were often afraid to report the violence for fear of losing their partner's support in legalizing their status or for fear of deportation. Mexico also reported that women migrant workers were subject to violations of their rights by border-patrol officials, including battering, rape and kidnapping. Six women died in 2001 while attempting to cross the border between Mexico and the United States. Costa Rica indicated that the fact that many women migrant workers were undocumented made them vulnerable to abuse, including sexual harassment and sexual violence. Kuwait acknowledged that there might be rare cases of violence against women migrant workers but that every act of violence against women migrant workers was considered to be a violation of human rights. Costa Rica indicated that women migrant workers were frequently fearful of lodging formal complaints against employers and others and often tolerated harassment and violence. They were also less likely to make use of the health care system, except in cases of emergency. A recent study in Costa Rica revealed that adolescent migrant workers were unaware of their rights, which made them particularly vulnerable to abuse.

Legal measures

International obligations

12. On 20 August 2001, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which requires the ratification or accession of 20 States parties¹¹ in order to enter into force, had been ratified or acceded to by 16 States parties.¹² Of the Member States reporting, Mexico and the Philippines had ratified the Convention. Several States also reported on their adherence to other international and regional human rights instruments, which contain provisions relevant to women migrant workers.

Domestic legal measures

13. Kuwait has established, under a ministerial decree, a human rights committee in the Ministry of the Interior to handle complaints by women migrant workers and promulgated a law on the regulation and licensing of agencies for the placement of servants. Although the Constitution and the Criminal Procedure Code already guarantee the right to take legal action, a new Labour Code is being drafted which will safeguard

workers' rights and provide them with further legal and financial guarantees. Malaysia reported that the police department is responsible for handling cases of abuse of workers and noted that employers have been prosecuted for abuse of employees, including women migrant workers. Costa Rica described legal provisions regulating the status of migrant workers, including provisions in the Labour Code and the General Law on Immigration and Nationality. Costa Rica indicated, however, that while work permits function as the major mechanism to monitor and ensure migrant workers' rights, a high number of undocumented workers, who continue to work for low wages in precarious employment conditions, were present in the country. Most work permits are granted for work in the domestic and agricultural sectors, which, however, does not exclude the illegal hiring of migrants. Peru reported that in July 2001, it adopted a five-year National Plan against Violence against Women for the period 2002-2007, which provides intersectoral strategies to prevent, punish and eliminate violence against women. No specific regulations relating to migrant workers exist in El Salvador, where the Constitution provides that aliens are subject to the same laws and rights as Salvadoran nationals from the moment they enter the country and where provisions of the Labour Code and the Penal Code are applied in cases of violence against women migrant workers.

14. Qatar noted that non-immigrant alien women workers, including domestic workers, enter the country legally under contracts approved by the competent authorities and reside in the country temporarily. A number of legal measures on migration issues are being developed by the Russian Federation, which will apply to foreign nationals working in the country and to Russian citizens seeking employment abroad. The measures will address forced migration and the regulation of migration, with a view to improving the demographic and socio-economic situation in the country. Antigua and Barbuda indicated that migrant workers enjoy the same rights as citizens, except the right to vote, and are able to obtain citizenship after the completion of residency requirements. Algeria noted that its Penal Code applies to all forms of violence against women, including that directed against women migrant workers, provided that they reside legally in the country.

15. In the Philippines, the Migrant Workers Act has been amended to address the procurement of mail order

brides via the Internet. The Act establishes a high standard of protection for, and promotion of, the welfare of migrant workers and includes penalties for illegal recruitment. It also regulates travel advice and information dissemination campaigns for such workers and establishes a shared information system among government agencies. The Commission on Filipinos Overseas has set up a case monitoring system to document and monitor cases of Filipinos overseas who have asked for assistance. In addition, strict administrative measures have been instituted with respect to the selection of destination countries and employment for migrant workers in order to minimize the risk of exploitation. Protective mechanisms on documentation and deployment of women migrant workers have also been instituted.

16. Germany noted that its Law on the Indemnification of Victims of Violent Acts provides that individuals, including migrants, can claim damages resulting from a wilful, unlawful assault and that such persons are eligible for benefits. A new law passed in Greece provides that foreigners who have been accepted as migrants for reasons of family reunification can obtain an independent right to a Greek residence permit if they are victims of domestic violence.

17. Georgia indicated that a law on labour migration was being drafted. In addition to being bound by the European Community's norms concerning discrimination and equal treatment in employment and occupation, Finland has created the position of a discrimination ombudsman as of September 2001, whose mandate will include intervention in cases of discrimination against women migrant workers.

Other measures of support

18. Mexico provided information on efforts to provide support to its nationals abroad, indicating that support and legal advice are provided through a network of consulates in the United States, and border liaison mechanisms have been established to address issues facing communities residing on both sides of the Mexican/United States border. A number of border repatriation agreements have been signed by both Mexican and United States immigration authorities. The Philippines noted that a repatriation fund is now available to assist migrant workers who have left their jobs to escape violence and abuse. Costa Rica indicated

that the national mechanisms available for lodging of complaints by migrant workers lack human and financial resources.

19. In Mexico in 1995, the National Migration Institute established a national programme for the protection of migrants, which created border groups for the protection of migrants; disseminated information on the rights and obligations of migrants; trained immigration personnel; and strengthened consultation mechanisms between the United States and several countries in Central America. Kuwait indicated that measures have been taken by the Government to ensure that women workers enjoy their rights. They include advocacy activities with employers and the development of contracts of employment that ensure a regulated relationship between employer and employee. The Kuwaiti Ministry of the Interior has established a Department of Domestic Service to monitor respect for the rights of women migrant workers, inspect placement services and report violations to the relevant authorities for legal action. Greece has established reception centres for women victims of violence and about 70 medico-social centres exist throughout the country, providing free services to non-insured persons, including immigrants. In Costa Rica, non-governmental organizations provide assistance and services, including temporary shelter and telephone hotlines, to women migrant workers and cooperate with state agencies to raise awareness among employers on their obligations towards domestic employees.

Prevention strategies

20. Since 1998, the Commission on Filipinos Overseas has instituted programmes geared towards the prevention of violence against women migrant workers. These include nationwide public information and community education programmes, pre-departure and post-arrival orientation services, including skill-specific training. Educational modules on international migration and development have been produced and included in social studies courses in elementary and secondary schools; educational specialists have been trained in the application of the modules in public schools. It is planned to extend the teaching of migration to the college level. An inter agency task force against illegal recruitment has been convened to assist in the recognition of potentially abusive

situations before migrant workers leave the country. The computerized Migrants Advisory Information System in the Philippines contains information on migration, and the Sponsor's Watchlist Information System identifies foreign employers who have been reported for violence and/or abuse against migrant workers. Mexico noted that its Ministry of the Interior has produced a pocket guide on the human rights of migrants, which informs migrants, irrespective of their legal status, of their rights and obligations while in Mexico. Finland's Ministry of Labour is financing extensive research into discrimination in employment against ethnic minorities and immigrants.

Bilateral and international cooperation

21. Georgia highlighted the need for international regulations and cooperation to safeguard the rights of women migrant workers. Kuwait and Qatar have concluded a number of bilateral agreements with countries of origin of migrant workers with a view to regulating the employment of workers.

IV. Measures taken within the United Nations system

22. Since the fifty-fourth session of the General Assembly, a number of intergovernmental bodies of the United Nations system have undertaken further work with respect to violence against women migrant workers. Their activities are summarized below. Notably, in the United Nations Millennium Declaration,¹³ adopted by the General Assembly at its fifty-fifth session, Member States pledged, *inter alia*, to combat all forms of violence against women, implement the Convention on the Elimination of All Forms of Discrimination against Women, and take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families.

A. Twenty-third special session of the General Assembly

23. At its twenty-third special session, in June 2000 on "Women 2000: gender equality, development and peace for the twenty-first century", the General Assembly identified further actions and initiatives to

implement the Beijing Declaration and Platform for Action, several of which touched on the situation of violence against women migrant workers. The outcome document acknowledged that some women and girls continued to encounter barriers to justice and the enjoyment of their human rights because of a variety of factors, including their status as women migrant workers. Governments, regional and international organizations, including the United Nations system, and financial institutions and other actors were called upon to take urgent and effective measures to develop an international consensus on indicators and ways to measure violence against women. They were also called upon to consider establishing a readily accessible database on statistics, legislation, training models, good practices, lessons learned and other resources with regard to all forms of violence against women, including women migrant workers; to pursue and support national, regional and international strategies to reduce the risk to women migrant workers of becoming victims of trafficking; to promote and protect the human rights of all migrant women and implement policies to address the specific needs of documented migrant women and, where necessary, to tackle the existing inequalities between men and women migrants to ensure gender equality.¹⁴

B. Twenty-sixth special session of the General Assembly

24. At its twenty-sixth special session, in June 2001, in the General Assembly, addressing the problem of HIV/AIDS, called on Governments to develop and begin to implement by 2005 national, regional and international strategies that would facilitate HIV/AIDS prevention programmes for migrants and mobile workers, including the provision of information on health and social services.

C. Commission on the Status of Women

25. At its forty-fifth session in 2001,¹⁵ the Commission adopted agreed conclusions on gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance. Member States were called upon to review and revise, as appropriate, emigration policies with a view to eliminating all discriminatory policies and practices against migrants, especially women and children, to

protect fully their human rights, regardless of their legal status, and to provide them with humane treatment. Governments were asked to consider signing, ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority and to consider ratification of the relevant conventions of the International Labour Organization. In order to facilitate a change of attitude and the elimination of stereotypes and prejudice, Governments were called upon to develop anti-racist and gender-sensitive human rights training for personnel in the administration of justice, law enforcement agencies, security and health-care services, schools and migration authorities, paying particular attention to immigration officials, border police and staff of migrant detention centres as well as United Nations personnel.

D. Commission on Human Rights

26. At its fifty-sixth session, in 2000, the Commission on Human Rights adopted resolution 2000/54 on violence against women migrant workers in which, *inter alia*, it reiterated several aspects of General Assembly resolution 54/138, in which the Assembly called upon concerned Governments, particularly those of countries of origin and destination, to put in place penal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures that would allow them to be present during the judicial process, to safeguard their dignified return to the country of origin, and to establish reintegration and rehabilitation schemes for returning women migrant workers. All States concerned were invited to consider adopting appropriate legal measures against intermediaries who deliberately encouraged the clandestine movement of workers and who exploited women migrant workers. The Commission requested the Secretary-General to submit to it at its fifty-eighth session a comprehensive report on the issue.

27. At its fifty-seventh session, in 2001, the Commission adopted resolution 2001/52 on the human rights of migrants, in which it welcomed the renewed commitment made in the United Nations Millennium

Declaration to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families. States were called upon to consider reviewing and, where necessary, revising immigration policies in order to eliminate all discriminatory policies and practices against migrants. The Commission reiterated the need for all States to protect fully the universally recognized human rights of migrants, especially those of women and children, regardless of their legal status, and to treat them humanely, particularly with regard to assistance and protection. It also took note of Advisory Opinion OC-16/99 of 1 October 1999, issued by the Inter-American Court of Human Rights, on the right to information on consular assistance in the framework of the guarantees of due process of law in the case of foreign nationals detained by the authorities of a receiving State. The Commission also adopted resolution 2001/53 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and resolution 2001/56 on the protection of migrants and their families. In resolution 2001/53 it urged countries to ensure that police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families and called upon Member States to consider signing and ratifying or acceding to the Convention. In resolution 2001/56 it addressed concerns with respect to migration generally but made no specific reference to violence against women migrant workers.

28. In its resolution 2001/5 on racism, racial discrimination, xenophobia and related intolerance, the Commission called upon all States to review and, where necessary, revise their immigration policies that were inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants. It also recommended that special attention be accorded during the World Conference against Racism — and especially in its outcome — to the situation of migrants.

E. Special Rapporteur on the human rights of migrants

29. In her report¹⁶ to the fifty-seventh session of the Commission on Human Rights, the Special Rapporteur highlighted the situation of migrant women and, in

particular, of women heads of household who seek work elsewhere in order to help raise their children. She indicated that their feelings of being uprooted and lonely made them easy prey for agents of organized crime and smuggling who often led them into situations of detention, bondage, and degrading and slave labour. The Special Rapporteur raised similar issues in her report to the Commission at its fifty-sixth session (E/CN.4/2000/82).

30. The Special Rapporteur addressed a number of appeals on behalf of women to Member States on particular situations where women migrant workers have been subject to abuse. For example, the Special Rapporteur intervened, jointly with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on extrajudicial, summary or arbitrary executions, on behalf of an Indonesian migrant worker in the United Arab Emirates,¹⁷ who had been sentenced to death. The Special Rapporteur received information from the Government that the woman had been released and returned to Indonesia.

31. During her visit to Canada in September 2000, the Special Rapporteur addressed, *inter alia*, the issue of domestic workers.¹⁸ She reported that their status in Canada was regulated by the "Live-in Caregiver Programme", which allowed live-in caregivers to apply for permanent residence following two years of work accumulated within three years following entry into the country. Canada also admitted temporary workers, mostly within the agricultural sector under bilateral agreements.¹⁹

32. The Special Rapporteur also participated in the regional seminars of experts in preparation for the World Conference against Racism, in Addis Ababa, Ethiopia, and in Santiago de Chile, Chile, in 2000, where she called on Governments to implement policies to integrate migrant women and to protect them from abuse and discrimination.²⁰

F. Special Rapporteur on violence against women, its causes and consequences

33. As stated above, the report by the Special Rapporteur on violence against women, its causes and consequences, submitted to the Commission on Human Rights, at its fifty-sixth session,²¹ focused on trafficking in women, women's migration and violence

against women, and raised numerous concerns related to violence against women migrant workers.

34. The report indicated that as a result of lack of independent legal protections afforded to both documented and undocumented immigrant women, which was exacerbated by immigrant women's social and cultural marginalization, immigrant women were highly vulnerable to violence. Noting that women overwhelmingly performed the highest percentage of unskilled paid labour, the report pointed to the fact that those jobs were usually the lowest paid jobs, with few or no occupational protections, labour rights or job security. Lack of, or inadequate, laws and labour standards and the illegal or semi-legal nature of the work formed the basis for forced, servile and exploitative working conditions, which varied from humiliating treatment, low payment and extreme working hours, to bonded labour or forced labour.

35. The Special Rapporteur noted that, although undocumented migrant women were often the victims of crime, they were sometimes perceived and treated as criminals in countries of destination. Such perceptions were caused by the intersection of racism and xenophobia, which was increasingly found implicit in the official policies of some States. Stereotyping by the media served to marginalize and increase the vulnerability of undocumented immigrants. Increasingly, countries placed restrictions on legal, long-term immigration, reducing opportunities for legal migration, and thereby encouraged migrants to turn to third parties for assistance in migrating, including an increasing number of underground networks of immigrant smugglers. Such policies strongly affected the living and working conditions of migrant workers, increasing their vulnerability to violence, abuse and control by criminal networks.

36. The Special Rapporteur noted that increasingly, often in reaction to trafficking, policies were introduced in countries of origin which restricted the freedom of movement of women. In some countries undocumented immigrants were required to cover the expenses associated with their deportation and were held in detention facilities or prisons, where they were sometimes subjected to custodial violence.

37. In December 2000, the Special Rapporteur sent, with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of migrants, an urgent appeal²² to the

Government of Bahrain regarding a documented Ethiopian migrant worker in Bahrain.

G. Subcommission on the Promotion and Protection of Human Rights

38. At its twenty-fifth session in 2000, the Working Group on Contemporary Forms of Slavery²³ of the Subcommission on the Promotion and Protection of Human Rights discussed the situation of migrant workers and child domestic workers, condemning practices of unequal treatment of migrant workers and deciding to continue to give special attention to the situation of migrant workers, in particular domestic workers. It noted the difficult situation in which migrant workers, especially women and children, were living and of their need to be provided with protection so that their human development and their participation in the life of their community were fully ensured. It urged States to take the necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular migrant domestic workers. Resolution 2001/14, with similar objectives, was adopted by the Subcommission during its fifty-third session in 2001.

39. In its resolution 2000/19, adopted on the report of the Working Group, the Subcommission decided to continue to give special attention to the situation of migrant workers, in particular domestic workers, and urged Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work. It also urged States to adopt and enforce measures to protect child domestic workers from exploitation, while attempting ultimately to eliminate the phenomenon of child domestic labour. All States were urged to eliminate all discrimination against girls in education, skills development and training and cooperate in developing viable alternatives to child labour, in particular for young girls.

40. The Subcommission also adopted resolution 2000/2, on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and migrant workers, in which it drew attention to the fact that women, in particular, suffer doubly from manifestations of racism and from various forms of exploitation that flagrantly violate their most basic rights. The Subcommission requested, inter alia, that the Preparatory Committee for the World

Conference include a separate item on migrant workers in the agenda of the Conference. It also requested the World Conference to address ways and means of putting an end to the racist campaigns encouraging violence against migrant workers through the Internet, sections of the media and political activities.

H. Human rights treaty bodies

41. A number of treaty bodies established under international human rights conventions addressed migration, the enjoyment by migrant workers and their families of human rights, and the situation of women and children who were trafficked during the reporting period. The issue of violence against women migrant workers was, however, taken up predominantly by the Committee on the Elimination of Discrimination against Women.

42. The Committee on Economic, Social and Cultural Rights welcomed in its concluding observations on Italy²⁴ the adoption of the immigration bill of 1998, granting one-year residence/work permits to women who had been the victims of trafficking and who denounced their exploiters, and the criminalization of trafficking of migrants under the Penal Code.

43. When examining the reports of Spain during its twenty-first session,²⁵ the Committee on the Elimination of Discrimination against Women expressed concern at the situation of foreign women workers in domestic service and women who might be living clandestinely and lack adequate protection from violence and abuse. When considering the reports of Germany, during its twenty-second session,²⁶ the Committee expressed concern about the often precarious social and economic situation of foreign women living in the country and the vulnerability of foreign women owing to discrimination on multiple grounds such as sex, ethnicity, and race. The Committee recommended that Germany take steps to increase foreign women's awareness of the availability of legal remedies and means of social protection. At its twenty-third session in 2000, the Committee called on the Government of Austria²⁷ to facilitate the attainment of work permits by migrant women on an equal basis with migrant men and to establish the conditions needed for their integration into the economic and social life of the country. It urged the Government to ensure ongoing education for law enforcement officials and the judiciary, including their sensitization to

violence against women in migrant communities, and to extend such programmes to health professionals. At its twenty-fourth session in 2001, the Committee expressed concern at the continuing discrimination against immigrant and minority women living in Finland, who suffered from double discrimination based on sex and ethnic background.²⁸

44. In its contribution²⁹ to the preparatory process and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Committee on the Elimination of Discrimination against Women highlighted the multiple discrimination that women migrant workers may face and their need for protection against gender-based violence.

V. Other activities taken by entities within the United Nations system

45. A number of entities within the United Nations system³⁰ provided information on ongoing activities with respect to violence against women and women's migration. Several of them focus on the specific issue of violence against women migrant workers.

A. Economic Commission for Africa

46. ECA provides technical assistance and advisory services to African member States on a wide range of women's issues, including violence against women generally. During the reporting period, workshops and seminars addressing issues such as women's access to legal services, information on domestic violence and other forms of abuse were organized.

B. United Nations Development Fund for Women

47. During 2000, UNIFEM developed a regional pilot programme to strengthen the response of sending and receiving countries to the needs of women migrant workers in Asia. The programme focused on policies based on gender equality and human rights; legislation to govern the situation of women migrant workers; promotion of women's rights through improved services, skills training and sensitization of key sectors in both source and destination countries; promoting dialogue among stakeholders in both source and

destination countries; and empowering women migrant workers to exercise their rights to organize. The programme facilitated exchange of best practices in legislation and programmes to protect the rights of women migrant workers, as well as pilot approaches such as awareness-raising of stakeholders in receiving countries and reintegration of migrants into the sending countries.

48. In July 2001, UNIFEM and the Argentine Institute against Discrimination organized a seminar in Buenos Aires on women immigrants. It addressed the consequences of xenophobia for such women and developed strategies to eradicate prejudices.

C. International Labour Organization

49. The ILO is currently conducting studies on the situation of women migrant workers which seek to identify good practices and policies of Governments, the private sector and civil society in addressing the needs of women migrant workers. The results of these studies will form the background for the development of a resource kit on female migrant workers, which will seek to enhance the efforts of governmental agencies, workers' and employers' organizations and non-governmental organizations, in both countries of origin and destination, to improve the situation of women migrant workers and protect them against discrimination, exploitation and abuse, including trafficking.

50. Several studies, including those with respect to Bahrain and Lebanon, focus on women migrants who are employed as domestic workers, assess their working conditions, and determine factors, including recruitment and employment practices, that contribute to their vulnerability.

51. The ILO is also conducting research on exploitative and abusive conditions of migrant workers in Central America and the Andean region, with a special focus on gender-based forms of discrimination and exploitation. The research aims to assist national authorities to develop systems for monitoring the working conditions and treatment of migrant workers and consequently lead to appropriate governmental action.

D. International Research and Training Institute for the Advancement of Women

52. In August 1999 a joint expert group meeting was held by INSTRAW and IOM in Geneva to discuss findings of case studies on labour migration by women and to develop recommendations for Governments of countries of origin and of destination, international and intergovernmental organizations, non-governmental organizations and research institutes. The recommendations called upon Governments to sign and ratify relevant international instruments on migrant workers; develop bilateral and multilateral agreements with a view to raising awareness and ensuring the protection of the human rights of women migrant workers; and to provide training to immigration, police and consular officers on the proper handling of cases of violence against women migrant workers. Governments of countries of origin were called upon to develop comprehensive migration policies to facilitate safe and protected migratory movements of women and protect women's human rights; to organize pre-departure courses for migrants and licensed recruitment agencies; to monitor practices of recruitment agents; and to develop mechanisms to assist women through diplomatic and consular posts in receiving countries. Governments of receiving countries were encouraged to protect the rights of women migrant workers and ensure that cases of abuse are properly prosecuted. Recommendations to international and intergovernmental organizations addressed, *inter alia*, the issues of pre-departure programmes and the use of modern information technology to provide information to women migrant workers; the organization of international training seminars and workshops on international labour standards; and the adoption of comparable data-collection systems, including sex-disaggregated data. Non-governmental organizations were encouraged to develop networks between receiving countries and countries of origin and to support migrant community self-help organizations.

E. United Nations Office for Drug Control and Crime Prevention/Centre for International Crime Prevention

53. The United Nations Convention against Transnational Organized Crime and two of its

supplementing Protocols — namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air — are of particular importance to the rights of women migrant workers. The Convention and the Protocols were adopted by the General Assembly on 15 November 2000 in resolution 55/25 and opened for signature from 12 to 15 December 2000 in Palermo. None of the three instruments has entered into force.

F. United Nations Population Fund

54. UNFPA's concerns with regard to violence against women migrant workers continue to be addressed within its work on gender-based violence and reproductive health. UNFPA provides support to reproductive health and family planning services and HIV/AIDS prevention for urban migrants, slum dwellers, adolescents at risk and sex workers. UNFPA supports research for policy makers on issues such as factors causing migration, international migration, protection of migrants' rights and sex-disaggregated data collection and analysis.

VI. Other intergovernmental bodies

International Organization for Migration

55. IOM's activities included prevention strategies targeted at potential women migrant workers and assistance in the form of protection, return and reintegration to those who have suffered from abuse, as well as advocacy, outreach and capacity-building initiatives.

56. Within the framework of the Summit of the Americas Plan of Action, IOM organized an international workshop on best practices concerning migrant workers and their families (Santiago de Chile, 19-20 June 2000), which addressed best practices in various countries of the western hemisphere for protecting the rights of migrant workers and their families. A number of regional migration processes involve annual discussions of migration issues, as do several of the trade agreements in the western hemisphere. These include the Regional Conference on

Migration (better known as the "Puebla Process", after the Mexican city where the first meeting was held).

VII. Conclusion

57. Violence against women migrant workers remains an issue of concern of a number of Member States, United Nations entities and the International Organization for Migration, as noted in previous reports on this issue to the Assembly and other intergovernmental forums. However, data on the numbers of women migrant workers continue to be difficult to obtain, while there is lack of clarity about the scale of abuse and discrimination against such women.

58. Measures to address violence against women migrant workers include education interventions and approaches targeted at potential women migrant workers in their countries of origin, including the use of modern communication and information technologies. The practices of recruitment agencies have been monitored and regulated, and some countries have also sought to identify potential employers in receiving countries which may have engaged in abusive and discriminatory behaviour in the past. Training and sensitization workshops for law enforcement and immigration personnel and others who come in contact with migrants or victims of violence have also been introduced in a number of countries. They have also been provided to consular personnel. Some consulates in countries of destination have established support systems for migrants, including women migrants who have experienced violence. Nonetheless, information on these measures, and, in particular, on their impact remains limited.

59. Comprehensive information is required on bilateral agreements between the countries of origin and of destination of women migrant workers and the impact of such agreements on their situation. Information is also needed on labour and immigration legislation as well as on the impact of such provisions, especially in respect of the enjoyment by women migrant workers of the full range of human rights. It is noteworthy, for example, that measures designed to protect women who might migrate to work and who find themselves in difficult employment situations which limit their access to legal protection may not only discriminate with respect to their freedom of movement but may also increase their vulnerability to

traffickers. Thus, it is important to explore the link between immigration and trafficking and the way in which laws are relevant to it. The Special Rapporteur on the human rights of migrants should continue to pay particular attention to the situation of women migrant workers, and the Special Rapporteur on the rights of non-citizens should ensure that the rights of women migrant workers are specifically addressed in his work.

Notes

¹ A/54/342.

² See also resolution 55/88 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and resolution 55/92 on the protection of migrants.

³ Commission on Human Rights resolution 2000/54 on violence against women migrant workers, 2001/52 on the human rights of migrants, 2001/53 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2001/56 on the protection of migrants and their families.

⁴ Resolution 1999/44.

⁵ Decision 2000/103. The Special Rapporteur's preliminary report (E/CN.4/Sub.2/2001/20 and Add.1) examining the rights of non-citizens, including migrant workers, under the International Convention on the Elimination of All Forms of Racial Discrimination and under international standards, was presented at the fifty-third session in 2001. The Subcommission decided to request the Secretary-General to transmit a questionnaire of the Special Rapporteur to Governments, intergovernmental organizations, human rights treaty bodies and non-governmental organizations to solicit information that would contribute to his next progress report.

⁶ Human Rights Watch, *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States* (New York, 2001). No. G1302.

⁷ E/CN.4/2000/68.

⁸ See General Assembly resolutions 55/25 and 55/67.

⁹ Algeria, Antigua and Barbuda, Costa Rica, El Salvador, Finland, Germany, Georgia, Greece, Kuwait, Malaysia, Mexico, Peru, Philippines, Russian Federation, Qatar.

¹⁰ E/CN.4/2000/76.

¹¹ Article 87 (1).

- ¹² Azerbaijan, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Ghana, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Uganda, Uruguay.
- ¹³ Resolution 55/2.
- ¹⁴ A/S-23/10/Rev.1, paras. 92 (b), 97 (c), 98 (b).
- ¹⁵ E/2001/27.
- ¹⁶ E/CN.4/2001/83.
- ¹⁷ Ibid., paras. 79-80.
- ¹⁸ E/CN.4/2001/83/Add.1, para. 40.
- ¹⁹ Ibid., para. 69.
- ²⁰ E/CN.4/2001/83, para. 96.
- ²¹ E/CN.4/2000/68.
- ²² E/CN.4/2001/73/Add.1, paras. 3-4.
- ²³ See E/CN.4/Sub.2/2000/23.
- ²⁴ *Report of the Committee on Economic, Social and Cultural Rights, Twenty-second Session, Official Records, 2001, Economic and Social Council, Supplement No. 2 (E/2001/22), para. 109.*
- ²⁵ *Report of the Committee on the Elimination of Discrimination against Women, Twenty-first Session, Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1), part II, paras. 274, 275.*
- ²⁶ Ibid., *Twenty-second Session, Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38), part I, paras. 317, 318.*
- ²⁷ Ibid., *Twenty-third Session, Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38), part II, para. 230.*
- ²⁸ Ibid., *Twenty-fourth Session (A/55/38), part I, para. 305.*
- ²⁹ Ibid., paras. 373-385.
- ³⁰ ECA, ESCAP, ESCWA, ILO, INSTRAW, ODCCP, UNESCO, UNFPA, UNIFEM. Further information was also provided by ODCCP, the United Nations Interregional Crime and Justice Research Institute, WFP to the report (E/CN.4/2000/76) of the Secretary-General on violence against women migrant workers, submitted to the Commission on Human Rights in 2000.